

FILED

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9 Shelley Regan

2012 SEP 13 PM 2:26

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

12 SHELLEY REGAN,

13 Plaintiff,

14 vs.

15 AFFILIATED COMPUTER
16 SERVICES, INC.; and DOES 1 to 10,
17 inclusive,

18 Defendants.

Case No.: **CV12-7911** - JEM

19 **COMPLAINT AND DEMAND FOR
20 JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

21 **COMPLAINT AND DEMAND FOR JURY TRIAL**

22 **INTRODUCTION**

23 1. This is an action for actual and statutory damages brought by plaintiff, Shelley
24 Regan, an individual consumer, against defendant Affiliated Computer Services,
25 Inc., for violations of the law, including but not limited to violations of the Fair
26 Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”)
27 and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 *et*
28

1 *seq.* (hereinafter “RFDCPA”), which prohibit debt collectors from engaging in
2 abusive, deceptive, and unfair practices.

3
4 **JURISDICTION**

5 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), Cal. Civ. Code §§
6 1788.30, and 28 U.S.C. § 1331 and § 1337. Declaratory relief is available pursuant
7 to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the
8 Defendant transacts business here and the conduct complained of occurred here.

9
10 **PARTIES**

11 3. Plaintiff, Shelley Regan, is a natural person with a permanent residence in,
12 Lancaster, Los Angeles County, California 93536.

13 4. Upon information and belief, the Defendant, Affiliated Computer Services, Inc.,
14 (hereinafter “Defendant”) is a business entity engaged in the business of collecting
15 debt in this state and in several other states, with its principal place of business
16 located at 501 Bleecker Street, Utica, Oneida County, New York 13501. The
17 principal purpose of Defendant is the collection of debts in this state and several
18 other states, and Defendant regularly attempts to collect debts alleged to be due
19 another.
20

21 5. Defendant is engaged in the collection of debts from consumers using the mail
22 and telephone. Defendant regularly attempts to collect consumer debts alleged to
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1 be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15
2 U.S.C. § 1692a(6), and the Cal. Civ. Code § 1788.2.

3
4 **FACTUAL ALLEGATIONS**

5 6. The debt Defendant is attempting to collect on is an alleged obligation of a
6 consumer to pay money arising out of a transaction in which the money, property,
7 insurance or services which are the subject of the transaction are primarily for
8 personal, family, or household purposes, whether or not such obligation has been
9 reduced to judgment.
10

11 7. Within one (1) year preceding the date of this Complaint, Defendant, in
12 connection with the collection of the alleged debt, stated to Plaintiff that if Plaintiff
13 was unable to make payments Defendant was going to go after Plaintiff's
14 Paycheck and other assets.
15
16

17 8. Defendant has no standing to commence legal proceedings on behalf of the
18 creditor.

19 9. Defendant is a debt collection company and as a debt collection company
20 attempting to collection an alleged debt, Defendant can only refer the matter back
21 to the creditor with a recommendation that the original creditor attempt legal
22 proceedings which could result in garnishment.
23
24

25 10. The representations made to Plaintiff by Defendant regarding garnishment
26 were false.
27
28

1 11. Within one (1) year preceding the date of this Complaint, Defendant, in
2 connection with the collection of the alleged debt, Defendant failed to send the
3 required written communication to Plaintiff within the required time period.
4

5 12. The natural consequences of Defendant's statements and actions were to
6 unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly
7 owed.
8

9 13. The natural consequences of Defendant's statements and actions was to
10 produce an unpleasant and/or hostile situation between Defendant and Plaintiff.
11

12 14. The natural consequences of Defendant's statements and actions was to cause
13 Plaintiff mental distress.
14

15 15. Defendant utilized unfair and unconscionable means to collect on Plaintiff's
16 alleged debt, by lying to and misleading Plaintiff and speaking to her in an
17 offensive and verbally abusive manner.
18

19 **FIRST CLAIM FOR RELIEF**

20 16. Plaintiff repeats and realleges and incorporates by reference to the foregoing
21 paragraphs.
22

23 17. Defendant violated the FDCPA. Defendant's violations include, but are not
24 limited to, the following:
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1 (a) Defendant violated §1692d of the FDCPA by engaging in conduct the
2 natural consequences of which is to harass, oppress, or abuse any person in
3 connection with the collection of an alleged debt; and
4

5 (b) Defendant violated §1692e of the FDCPA by using a false, deceptive, or
6 misleading representation or means in connection with the collection of the
7 alleged debt; and
8

9 (c) Defendant violated §1692e(4) of the FDCPA by giving the false
10 representation or implication that nonpayment of the alleged debt will result
11 in the garnishment of wages of any person when such action is unlawful and
12 the Defendant does not intend to take such action; and
13

14 (d) Defendant violated §1692e(5) of the FDCPA by threatening to take action
15 that the Defendant does not intend to take and/or the Defendant cannot
16 legally take; and
17

18 (e) Defendant violated §1692e(10) of the FDCPA by using false representation
19 or deceptive means in connection with the collection of the alleged debt; and
20

21 (f) Defendant violated §1692f of the FDCPA by using unfair or unconscionable
22 means in connection with the collection of an alleged debt; and
23

24 18. Defendant's acts as described above were done intentionally with the purpose
25 of coercing Plaintiffs to pay the alleged debt.
26
27
28

1 19. As a result of the foregoing violations of the FDCPA, Defendant is liable to the
2 Plaintiff, Shelley Regan, for declaratory judgment that Defendant's conduct
3 violated the FDCPA, actual damages, statutory damages, and costs and attorney
4 fees.
5

6 **SECOND CLAIM FOR RELIEF**

7
8 20. Plaintiff repeats and realleges and incorporates by reference the foregoing
9 paragraphs.

10 21. Defendant violated the RFDCPA. Defendant's violations include, but are not
11 limited to the following:
12

13 (a) Defendant violated §1788.17 of the RFDCPA by being a debt collector
14 collecting or attempting to collect a consumer debt that is not compliant with
15 the provisions of Sections 1692b to 1692j of the FDCPA, the references to
16 federal codes in this section referring to those codes as they read as of
17 January 1, 2001.
18
19

20 22. Defendant's acts as described above were done intentionally with the purpose
21 of coercing Plaintiff to pay the alleged debt.
22

23 23. As a result of the foregoing violations of the RFDCPA, Defendant is liable to
24 the plaintiff Shelley Regan for actual damages, statutory damages, and costs and
25 attorney fees.
26
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1 **WHEREFORE**, Plaintiff Shelley Regan respectfully requests that judgment be
2 entered against defendant, Affiliated Computer Services, Inc., for the following:

3 A. Declaratory judgment that Defendant's conduct violated the FDCPA and
4 RFDCPA.

5
6 B. Actual damages from each Defendant pursuant to 15 U.S.C. §
7 1692k(a)(1).

8
9 C. Statutory damages pursuant to 15 U.S.C. § 1692k.

10 D. Statutory damages pursuant to Cal. Civ. Code § 1788.30.

11
12 E. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
13 Cal. Civ. Code § 1788.30.

14 F. Awarding Plaintiff any pre-judgment and post-judgment interest as may
15 be allowed under the law.

16
17 G. For such other and further relief as the Court may deem just and proper.

18
19 **DEMAND FOR JURY TRIAL**

20 Please take notice that plaintiff Shelley Regan demands trial by jury in this action.

21
22 DATED: September 10, 2012

23 RESPECTFULLY SUBMITTED,
24 PRICE LAW GROUP, APC

25 By: 

26 G. Thomas Martin, III
27 Attorney for Plaintiff
28

G. Thomas Martin, III (SBN 218456)
 PRICE LAW GROUP, APC
 15760 Ventura Blvd., Suite 1100
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SHELLEY REGAN

CASE NUMBER

PLAINTIFF(S)

v.

CV12-7911 -JEM

AFFILIATED COMPUTER SERVICES, INC.; and
 DOES 1 to 10, inclusive,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, G. Thomas Martin, III (SBN 218456), whose address is 15760 Ventura Boulevard, Suite 1100; Encino, California 91436. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 13 2012

By: MARILYN DAVIS

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SHELLEY REGAN LOS ANGELES COUNTY	DEFENDANTS AFFILIATED COMPUTER SERVICES, INC.; and DOES 1 to 10, inclusive, ONEIDA COUNTY, NEW YORK
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) G. Thomas Martin, III (SBN 218456) PRICE LAW GROUP, APC 15760 Ventura Blvd., #1100, Encino, CA 91436; T: (818) 907-2030	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ According to Proof (<\$10,000)

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 USC 1692; UNLAWFUL DEBT COLLECTION PRACTICES

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV12-7911

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	ONEIDA COUNTY, NEW YORK

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  **Date** 9/11/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))